



ACKNOWLEDGEMENT OF NOTIFICATION
OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

+

RID045367968

Teknor Apex company
505 CENTRAL AVENUE
PAWTUCKET,

RI

02861

INSTALLATION ADDRESS

505 CENTRAL AVENUE
PAWTUCKET,

RI

02861

U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

INSTALLATION'S EPA I.D. NO.

RID045367968

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

TEKNOR APEX COMPANY*
505 CENTRAL AVE
PAWTUCKET

RI 02861

III. LOCATION OF INSTALLATION

505 CENTRAL AVE
PAWTUCKET

RI 02861

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED
(yr., mo., & day)

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

B. TYPE OF OWNERSHIP
(enter the appropriate letter into box)F = FEDERAL
M = NON-FEDERAL

M

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

☐ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☐ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

[illegible]

☐ 1. IGNITABLE (D001) ☐ 2. CORROSIVE (D002) ☐ 3. REACTIVE (D003) ☐ 4. TOXIC (D000)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

NAME & OFFICIAL TITLE (type or print)

DATE SIGNED _____

H Malin

EXEC. V. PRES.

8/18/80

RID 04537968

☐ ACKNOWLEDGMENT SENT

INTERNAL CHECKLIST

1. Interim Regulatory Requirements

- A. (1) FORM 1 MISSING ☐
(2) FORM 3 MISSING ☐
- B. POSTMARK after NOVEMBER 19, 1980 ☐ Valid ☐
- C. (1) DATE of OPERATION MISSING ☐
(2) DATE of OPERATION after NOVEMBER 19, 1980 ☐
- 20) Non Notifier ☒
D. C2) NOTIFIED after AUGUST 18, 1980 ☐ Valid ☐
- E. (1) FORM 1, VIII B SIGNATURE missing ☐
(2) FORM 3, IX B SIGNATURE missing ☐

2. A. HANDLER ☐
B. NONREGULATED ☐
C. UNSURE ☐
D. UNKNOWN FACILITY ☐
(missing name and address on Form 3)
E. NEW FACILITY ☐
F. CORE ITEM(S) MISSING ☐
G. NON-CORE ITEM(S) MISSING ☐
H. OTHER ☐



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF AIR AND HAZARDOUS MATERIALS

291 Promenade Street
Providence, R.I. 02908-5767

RCRA RECORDS CENTER
FACILITY Teknor Apex Co
I.D. NO. RID045367968
FILE LOC. R-1C
OTHER _____

Mr. Paul Dubanowitz
Teknor Apex Company
505 Central Ave.
Pawtucket, RI 02862
RID045367968

5 September 1991

NOVAP NO.: RCRA 91-25-717

Dear Mr. Dubanowitz:

Enclosed is a Notice of Violation and Order and Penalty issued to the Teknor Apex Company. As is more fully set forth on page 6 of this Order, if you wish to request a formal hearing concerning this Order, that request must be made in writing within ten (10) days of the receipt of this letter to the following:

Bonnie Stewart, Clerk
Administrative Adjudication Division
Department of Environmental Management
One Capitol Hill
Providence, RI 02908

A copy of the request for a hearing should be sent to Attorney Mark Siegars at the Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02903.

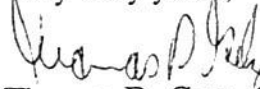
Correspondence other than a request for a hearing on this Order should be sent to the following address:

James C. McCaughey, Sr. Engineer
Division of Air and Hazardous Materials
291 Promenade Street
Providence, RI 02908-5767
Telephone: 277-2797

You may wish to arrange an informal meeting to discuss this Order and Penalty. Please contact Mr. McCaughey at the above address to arrange a mutually acceptable time.

PLEASE BE ADVISED that correspondence with the Division of Air and Hazardous Materials, including requests to arrange an informal meeting to discuss this Order and Penalty, will not be deemed a request for a formal hearing and will not protect your right to request a formal hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Thomas D. Getz', is written over the typed name.

Thomas D. Getz, Chief
Division of Air and Hazardous Materials

cc: Frank Battaglia, EPA
Bonnie Stewart

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AIR AND HAZARDOUS MATERIALS

RE: Teknor-Apex
NOVAP # : RCRA 91-25-717

NOTICE OF VIOLATION AND ORDER AND PENALTY

Notice is hereby given that the Teknor Apex Company, its agents and employees (hereinafter "the Company") is and/or has been in violation of the Hazardous Waste Management Act of 1978, Chapter 23-19.1 of the Rhode Island General Laws (hereinafter "the Act"), as amended, and the regulations adopted pursuant to R.I.G.L Section 23-19.1-6(a), and is and/or has been in violation of the provisions of Chapter 23-23 of the General Laws of Rhode Island, as amended, and the Air Pollution Control Regulations adopted pursuant thereto.

According to R.I.G.L. Sections 23-19.1-15, 23-19.1-16, 23-23-5, 42-17.1-2, and 42-17.6, the Director, or his designee, has the authority to enforce the provisions of the Act and the regulations adopted pursuant thereto.

On 19 July 1991, the Department of Environmental Management (hereinafter "the Department") received information regarding a release of material from the Company's bag house. Based upon a chemical analysis performed on a sample of this material it has been determined that the material released is a hazardous waste in accordance with the Rhode Island Hazardous Waste Management Act and the Rhode Island Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal, as amended. On 21 August 1991 personnel from the Department conducted an inspection of the Company's facility in Pawtucket in order to determine the Company's compliance status with the aforementioned rules and regulations. Based on this information and inspection the Company is deemed to be in violation of the following sections of the above mentioned

Law and Regulations:

RULES AND REGULATIONS FOR HAZARDOUS WASTE GENERATION, TRANSPORTATION, TREATMENT, STORAGE AND DISPOSAL

5.00 **GENERATORS:** These rules shall apply to all generators of hazardous waste.

5.02 **Storage:** Any material designated as a hazardous waste stored on site by a generator for a period not to exceed 90 days shall be termed temporary storage and excluded from storage permit requirements provided that such waste is managed in accordance with the provisions of 40 CFR 262.34 and 264.175, as are or as amended, except for 40 CFR 262.34 (d), (e), and (f). These regulations include, but are not limited to, requirements for personnel training, preparedness and prevention, contingency plans, and secondary containment.

5.08 **Hazardous Waste Determination:** The generator must determine if any of his wastes meet any of the definitions of a hazardous waste. He must first determine if his waste meets any of the federal definitions of hazardous waste as required by 40 CFR 262.11, as is or as amended. If the waste does not meet any of the federal definitions, the generator must then determine if any of the Rhode Island waste types apply, as defined by Rule 3.53 of these regulations. Regardless of any advisory opinions or statements from any laboratory or government agency, it remains the generator's responsibility to properly characterize his wastes. Testing employed by the generator to determine if a material is hazardous waste must be an approved method set forth in 40 CFR 260.11 or 40 CFR 261 Subpart C, as are or as amended. Equivalent testing methods are not allowed.

5.09 **Authorized Agents:** The generator shall submit to the Department the names and signatures of all agents of the generator authorized to sign the manifest.

5.10 **Notification of Spills or Releases:** In the event of a spill or release of hazardous waste or material on the generator's property which presents a substantial risk of injury to health or the environment, the generator shall notify the Department immediately of the spill or release. In all cases of spills or releases, the generator shall immediately take steps to contain and clean up the hazardous waste or material.

6.00 **TRANSPORTERS:** These rules shall apply to all transporters of hazardous waste.

6.01 **Permit Requirements**

A. No person shall transport any hazardous wastes, including septage, but not including precious metal bearing wastes, in or on the land or waters of the state unless such person shall first have obtained a Hazardous Waste Transporter Permit from the Director. However, this rule shall not apply to the following activities:

1. The transportation of sewage sludge, except where the sludge fails EPA's characteristics for hazardous waste as defined in Subpart C of

40 CFR 261, as is or as amended, being produced at publicly owned treatment works.

2. The use of non-permitted vehicles to collect and transport hazardous waste in emergency situations which present a threat to public health and safety. In the event of an emergency situation, the Department shall be immediately notified of each vehicle used for the cleanup and transportation of hazardous waste. After the notification, all collected hazardous waste must be managed in accordance with the Department's rules and regulations.
 3. The transportation of animal waste produced at farms.
 4. A transporter transporting household refuse unless he has cause to believe that the household refuse contains hazardous waste.
- B. An application fee of \$25.00 per vehicle shall be charged the hazardous waste transporter.
- C. The hazardous waste transporter's permit will be issued for a period not to exceed one year.
- D. The permit will be granted or renewed only for those hazardous waste vehicles which are listed on the permit application and which pass inspection by Department personnel.

RHODE ISLAND AIR POLLUTION CONTROL REGULATIONS

Air Pollution Control Regulation No. 7

Emission of Air Contaminates Detrimental to Person or Property

7.1 Standard

No person shall emit any contaminant which either alone or in connection with other emissions, by reason of their concentration or duration, may be injurious to human, plant or animal life, or cause damage to property or which unreasonably interferes with the enjoyment of life and property.

Air Pollution Control Regulation No. 16

16.1 Approved Operation

Any air pollution control system shall be operated according to its design specification whenever the source on which it is installed is in operation or is emitting contaminants.

Specifically, the Company was in violation of the above-cited laws and regulations as follows (notations include any referenced laws and regulations):

- 1) The Company failed to properly store its hazardous waste in areas designed in accordance with 40 CFR 264.175 (Rule 5.02, 40 CFR 264.175). Specifically, the Company's hazardous waste storage area had no secondary containment, no spill control provisions, allowed for the accumulation of rain water on hazardous waste containers and allowed for the spillage of waste oil to the facility grounds.
- 2) The Company failed to conduct weekly inspection of its hazardous waste container storage area (Rule 5.02, 40 CFR 265.174).
- 3) The Company failed to develop and maintain a Hazardous Waste Contingency Plan at its facility (Rule 5.02, 40 CFR 265 subpart D). Specifically, at the time of the 21 August 1991 inspection Company personnel were not able to produce a Hazardous Waste Contingency Plan, however, they did have an oil spill contingency plan available.
- 4) The Company failed to develop and maintain a Personnel Hazardous Waste Training Plan and Training records at the facility (Rule 5.02, 40 CFR 265.16). Specifically, at the time of the 21 August 1991 inspection the Company was not able to produce a Training Plan or Training records.
- 5) The Company failed to properly investigate its bag house dust in order to determine if this material posed any harm to human health or the environment (Rule 5.08). Specifically, an analysis of a sample of this dust material showed it to be a hazardous due to high TCLP lead and cadmium levels.
- 6) The Company has failed to submit to the Department the names and signatures of agents authorized by the Company to sign the Uniform Hazardous Manifest (Rule 5.09).
- 7) The Company failed to report a release of a hazardous material to the Department (Rule 5.10). Specifically, the Company failed to report a release of its bag house dust, which came in contact with a local resident, on 17 July 1991.
- 8) The Company failed to properly contain and clean up a release of a hazardous waste and material (Rule 5.10). Specifically, during an inspection of the facility on 19 August 1991 an amount of the released material was discovered on the sidewalk along the side of the facility. This material found to still be present at the time of the 21 August 1991 inspection. The Company also failed to remediate the release of a waste oil from the grounds of the facility's hazardous waste storage area.
- 9) The Company transported hazardous waste without a permit (Rule 6.01). Specifically, the Company transported hazardous waste from satellite

generation area located at its Central Ave. facility to a storage area located at its Mendon Street facility.

- 10) The Company had installed the bags in the bag house (Permit Approval No. 350) improperly which resulted in the air pollution control system not being operated in accordance with its design specifications (Air Regulation No. 16-16). This allowed for the release of a hazardous material to the ambient air which came in contact with a local resident who was walking on the side walk along the side of the facility (APC Regulation 7).

The Company is hereby ORDERED to:

- A) Immediately clean up all residue of the released material and all contaminated soils from along the facility's Robinson Street sidewalk.
- B) Immediately clean up all spill debris in the vicinity of the hazardous waste storage area and investigate this material for possible hazardous characteristics.
- C) Immediately investigate all bag house dusts for possible hazardous characteristics. A release of any of these materials must be addressed in the Company's Hazardous Waste Contingency Plan.
- D) Immediately cease the practice of transporting the Company's hazardous waste from it's Central Ave facility to its Mendon Street facility.
- E) Immediately begin to inspect all hazardous waste container storage areas on weekly basis and maintain copies of inspection logs at the facility.
- F) Immediately begin the process of procuring and installing a device on the bag house, (Permit Approval No. 350), that will detect a failure in the bag house collection efficiency. If a failure in the bag house is detected the process being controlled by the bag house must be immediately shut down.
- G) Immediately implement a procedure of performing routine inspections and maintenance on all air pollution control systems in use at the facility. The procedure must be submitted , in writing, to the Department and approved by the Department.
- H) Supply all hazardous waste storage areas with proper secondary containment capabilities in accordance with 40 CFR 264.175 within 45 days of your receipt of this Notice.
- I) Submit to the Department draft Hazardous Waste Contingency and Personnel Training Plans within 30 days of your receipt of this Notice. Upon approval by the Department a final Contingency Plan must be submitted to local

emergency authorities and all appropriate Company personnel must be trained in accordance with the approved Training Plan.

- J) Submit compliance certifications for all above requirements to this Department subject to the penalties under 23-19.1-18 (H), within ten (10) days of compliance.
- K) Based on the severity of the above violations, remit to the Department within ten (10) days of receipt of this Notice an administrative penalty in the amount of twenty three thousand two hundred and fifty dollars (\$23,250.00) payable by certified check to the order of the General Treasurer, State of Rhode Island, who shall deposit said monies in the Environmental Response Fund, established pursuant to R.I.G.L. 23-19.1-23. This administrative penalty was calculated in accordance with the Department's Rules and Regulations for Assessment of Administrative Penalties, and the amount sought for each violation is set forth in the attached Penalty Amount Rationale Memo.

Pursuant to Section 42-17.1-2(u), 42-17.6, and Chapter 42-35 of the General Laws of Rhode Island, 1956, (1984 Reenactment), as amended, the Company is entitled to request in writing, a hearing before the Director of Environmental Management, or his designee, within the ten (10) days of receipt of this Notice of Violation and Order and Penalty to show cause why this finding of violation should not stand and why this Order and Penalty should not be enforced. The Company is also entitled, as with all meetings regarding this Order, to representation by counsel. Any request for hearing should, as required by R.I.G.L. 42-17.6-4, indicate whether the Company denies the alleged violations, and whether the Company intends to assert that the administrative penalty is excessive. If the Company fails to request a hearing within the aforesaid period of time, it is hereby notified in writing that the Notice will automatically become a compliance order, and the administrative penalty shall be final.

Failure or inability to comply with this Order and Penalty will result in the Director petitioning the Superior Court to prevent any further generation of hazardous waste by the Company and/or to impose the civil and/or criminal penalties specified in R.I.G.L. Section

23-19.1-17 and 23-19.1-18 of the aforesaid Hazardous Waste Management Act. Criminal penalties specify a maximum fine of \$10,000 per day and/or five (5) years imprisonment.

The Department reserves the right to impose additional administrative penalties based upon the information contained herein and/or any additional information received from its continuing investigation.

Date

5 September 1991

Thomas D. Getz, Chief

Division of Air and Hazardous Materials

apex.nov

STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AIR AND HAZARDOUS MATERIALS

MEMO

TO: Teknor Apex Company
FROM: James C. McCaughey, Sr. Engineer
DATE: 08/13/91
SUBJECT: Penalty Rationale

The Penalty was calculated using the State of Rhode Island Rules and Regulations for Assessment of Administrative Penalties as guidance. This penalty does not consider multi-day penalties.

Below is an explanation for choosing the type of violation based on the Inter-office Memo dated 30 September 1987 and the potential for harm to human health or the environment.

Violation # 1,2 and 9 (Rule 5.02 and 6.01)

Type II Violation, Moderate Potential for Harm \$2,600.00

The Company demonstrated a Type II violation, important but indirectly related to the protection of human health and the environment, by improperly storing their hazardous waste.

The nature of this waste material, primarily spent lubricating oils and the close proximity of the storage area to the generation area, approximately 1/4 mile, caused the non-permitted transportation and improper storage practice to result in a moderate potential to human health and the environment.

Violation # 3,4 and 6 (Rule 5.02 and 5.09)

Type I Violation, Minor potential for harm \$900.00

The Company's failure to develop and maintain a Hazardous Waste Contingency Plan and Personnel Training Plan as well as a failure to submit the names and signatures of authorized agents is demonstrative of a Type I Violation, important and directly related to the protection of human health and the environment.

The nature of the waste materials generated by this facility, primarily waste oil and

the fact that the facility does have a oil spill contingency plan results in a minor potential for harm to human health and the environment due to the deficiencies in this area.

Violation # 5 (Rule 5.08)

Type I Violation, Major Potential for Harm \$9,000.00

The Company's failure to properly investigate its bag house dust for possible hazardous characteristics is demonstrative of a Type I violation " Important and directly related to the protection of human health and the environment".

The hazardous nature of this material, lead contaminated, in conjunction with the actual release of this material pose a major potential to human health and the environment.

Violation # 7 and 8 (Rule 5.10)

Type I Violation, Major Potential for Harm \$9,000.00

The Company's failure to properly report a release of this material to the environment, is demonstrative of a Type I violation "Important and directly related to the protection of human health and the environment".

The hazardous nature of this waste material, lead contaminated, and the Company's failure to report and properly remediate the release posed a major potential to human health.

Air Pollution Control Regulation Violation \$1,750.00
Violation # 10

Regulation # 7: Type I Violation Major Potential for Harm

Regulation # 16: Type II Violation Major Potential for Harm

Total : \$ 23,250.00